

U.S. Application No. 10/675,385, filed September 30, 2003

Attorney Docket No. 15013US02

Amendment dated February 2, 2009

Accompanying Request for Continued Examination (RCE) filed February 2, 2009

REMARKS

Claims 1-31 are pending. Claims 1-31 are rejected.

Claims 1-31 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2002/0184631 A1 (“Cezeaux”) in view of U.S. Patent No. 7,281,261 B2 (“Jaff”). Applicants respectfully traverse the rejection for at least the reasons as set forth below.

Although Applicants believe that claims 1-31 are patentable over the cited documents, as alleged, for at least the reasons as set out more fully in the record, Applicants respectfully amend each of the independent claims to further clarify the subject matter therein and/or to expedite prosecution.

Claim 1 recites, for example, “communicating between a first location and a non-broadcast channel provider; generating a request from said first location to receive media provided by said non-broadcast channel provider; sending the generated request to a media exchange server via the communication network that comprises Internet infrastructure; providing one or both of payment and/or authorization information to said non-broadcast channel provider which provides said information to said media exchange server via the Internet infrastructure; receiving, at a second location that is remote to the first location, said media from a storage location other than said non-broadcast channel provider, the media exchange server arranging for the storage location to push said media to said second location; and keeping details corresponding to the second location anonymous with respect to said non-broadcast channel provider”.

Claim 11 recites, for example, “setting up communications between a first location and a non-broadcast channel provider over the communication network; generating a request from the first location to receive media from said non-broadcast channel provider; providing one or both of payment and/or authorization information to said non-broadcast channel provider which provides said information and said request to a media exchange server via the communication network; and receiving, at a second location that is remote to the first location, said media from a storage location other than said non-broadcast channel provider, said media exchange server keeping data relating to

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the second location anonymous with respect to said non-broadcast channel provider".

Claim 21 recites, for example, "at least one processor that provides communications between a first location and a non-broadcast channel provider over the communication network; said at least one processor generates a request from the first location to receive media from a non-broadcast channel provider; said at least one processor provides one or both of payment and/or authorization information to said non-broadcast channel provider which provides said information and said request to a media exchange server via the communication network; and said at least one processor receives, at a second location that is remote to the first location, said media from a storage location other than said non-broadcast channel provider, said media exchange server keeping identity data corresponding to the second location anonymous with respect to said non-broadcast channel provider".

The combination of Cezeaux and Jaff, as alleged in the Office Action Made Final mailed June 25, 2008, no longer presents a *prima facie* case of obviousness with respect to amended independent claims 1, 11 and 21.

It is believed that claims 1-31 are in condition for allowance.

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

Applicants respectfully reserve the right to pursue, without prejudice, subject matter (e.g., subject matter recited in one or more claims) that has been amended, cancelled and/or withdrawn in a continuing and/or related application.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The

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Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: February 2, 2009

Respectfully submitted,

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